IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBILEMEDIA IDEAS LLC,

        Plaintiff,

   v.

APPLE INC.,

        Defendant.

Civil Action No. 10-258 SLR-MPT

Public Redacted Version

LETTER TO MAGISTRATE JUDGE THYNGE FROM RICHARD K. HERRMANN

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July 25, 2012

BY EFILING AND HAND DELIVERY

The Honorable Mary Pat Thynge   `Redacted Version`
United States District Court
844 N. King Street
Wilmington, Delaware 19801

Re: ***MobileMedia Ideas LLC v. Apple, Inc.*, C.A. No. 10-258-SLR-MPT**

Dear Judge Thynge:

Defendant Apple seeks relief for Plaintiff MMI's violations of the Court's May 16, 2011 Protective Order (D.I. 221) in connection with MMI's experts' review of Apple's source code.

Apple's source code constitutes extraordinarily sensitive trade secrets, the unauthorized disclosure of which – whether intentional or not – would cause substantial and irreparable harm to Apple. Even within Apple, physical access to Apple source code is limited to select groups of authorized employees, with access provided only as to portions of code and on a need-to-know basis. Recognizing this, the parties carefully negotiated, and the Court approved, a detailed protective order balancing MMI's discovery needs against Apple's security concerns. The Protective Order includes provisions controlling access to Apple's source code[1] and the amount of source code that may be printed and distributed. When reviewing Apple's source code, MMI's experts violated these provisions.

Rule 37 provides that if a party "fails to obey an order to provide or permit discovery," the court may issue "further just orders," including ordering the disobeying party precluded from introducing designated matters into evidence and ordering the disobeying party to pay reasonable expenses. Fed. R. Civ. P. 37(b)(2)(A), (C). Sanctions for MMI's violations of the Protective Order are appropriate under Rule 37(b) of the Federal Rules of Civil Procedure and the Court's inherent authority to enforce its orders. Thus, pursuant to this Court's order referring portions of this case to Your Honor, Apple requests approval to file a motion for sanctions pursuant to Rule 37 or such other relief as Your Honor finds appropriate. D.I. 20 at 2.

I.   Dr. Williams's Violations Of The Protective Order

MMI's expert, Dr. Timothy Williams, violated two provisions of the Protective Order. First, the Protective Order permits printing "limited portions of the Source Code only when reasonably necessary to prepare court filings or pleadings or other papers (including a testifying expert's expert report or for use as deposition exhibits)," but provides that "the Receiving Party

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[1] Apple is the only party in this litigation who has source code.

The Honorable Mary Pat Thynge

Morris James LLP

July 25, 2012, Page 2

shall not print Source Code to review blocks of Source Code elsewhere in the first instance, i.e., as an alternative to reviewing that Source Code electronically on the Source Code Computer." Protective Order ¶ 11(c)(iv) (emphasis added). This provision is critical for securing source code against unauthorized disclosure. If a party is permitted to print and remove large swaths of source code for review elsewhere, the effort to establish and maintain a secure source code machine is rendered pointless.

On November 23, 2011, Apple objected to the amount of source code MMI's experts were printing (360 pages on that single day) as excessive[2] and requested a meet and confer. MMI responded by email on December 1, 2011, and assured Apple that it was only printing source code as "was 'reasonably necessary to prepare'" MMI's expert reports and, specifically, was not printing source code for review elsewhere in the first instance: "given the extensive time the experts have spent at your offices [the print-outs] clearly were not printed 'to review blocks of Source Code elsewhere in the first instance, i.e., as an alternative to reviewing that Source Code electronically on the Source Code Computer.'" Ex. 1. MMI further explained that to discuss Apple's concerns "in more detail (e.g., file-by-file or in some other fashion) would be an extraordinarily time-consuming activity that … we do not believe is reasonable in these circumstances." *Id*.

Yet contrary to MMI's assurances, Apple's source code was in fact being printed for expert review elsewhere in the first instance. During his deposition, Dr. Williams testified to reviewing "roughly" 50-75 pages of Apple source code in printed form without having first reviewed that source code on the Source Code Computer. *See* Ex. 2 at 26:19-28:3. Indeed, the evidence suggests that the number of pages is actually greater. In his expert report, Dr. Williams states that he "considered and relied on" 380 pages of Apple source code. But according to the source code review log that experts were required to sign any time they reviewed source code on the Source Code Computers, Dr. Williams spent only six hours on a single day reviewing source code on the Source Code Computer.[3] Ex. 3.

Dr. Williams revealed at his deposition that a non-testifying consultant retained by MMI, Mr. Finch, printed Apple's source code and mailed it to MMI's counsel's New York offices for Dr. Williams's review. *See* Ex. 2 at 26:19-28:3; see also 18:10-19:5; 19:10-16; 20:18-24; 21:12-23; 49-13-20. Dr. Williams testified that Mr. Finch identified and printed source code based on high-level, general descriptions of functionality provided by Dr. Williams (e.g., "processes that involved synchronization on the various operating systems") and some follow up telephone discussions. *See*, e.g., Ex. 2 at 18:10-19:5; 19:10-16; 20:18-24; 21:12-23; 26:19-28:3; 49:13-20. Dr. Williams did not review the source code on the computers himself because "it was more efficient for Mr. Finch to look in general and find pieces of code that he thought might represent what I was looking for than for me to review that and approve or disapprove." *See* Ex. 2 at

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[2] MMI's experts printed a total of over 7,000 pages of Apple's source code. In their reports, however, MMI's experts collectively cited to only 888 of those printed pages.

[3] To the extent Dr. Williams did in fact review source code on the Source Code Computers on days other than the single date on which he signed the source code review log, Dr. Williams violated Paragraph 11(c)(v) of the Protective Order by failing to sign the log.

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49:13-20. Dr. Williams' deposition was the first time Apple learned that source code was being printed and distributed to others for review; his expert report does not mention Mr. Finch.

MMI's behavior violates both the letter and spirit of the Protective Order. Moreover, MMI's subsequent assurances and refusal to discuss Apple's concerns in detail compounded the violations and permitted them to continue unchecked, ultimately requiring that Apple bring this motion. MMI's violation of Paragraph 11(c)(iv) of the Protective Order and subsequent refusal to address Apple's concerns requires proportional remedial action in the form of the relief requested below.

II.   Dr. Meldal's Violations Of The Protective Order

MMI's expert, Dr. Sigurd Meldal, made photocopies of printed Apple source code that were not "reasonably necessary for use in the prosecution or defense of this action," in violation of Paragraphs 11(c)(vi)-(viii) of the Protective Order. Dr. Meldal testified that "the routine" was that he made and kept photocopies of printed Apple source code "for safekeeping" and then sent the originally-printed copies of the code by FedEx to MMI's counsel's New York offices. *See, e.g.*, Ex. 4 at 63:16-64:4. This violation, though less severe than needlessly printing and removing thousands of pages of irrelevant source code, evinces a lack of respect for and adherence to the Protective Order by MMI and its experts. Apple must necessarily trust that the professionals subscribing to the Protective Orders in its many patent cases read, understand, and follow the carefully negotiated provisions. The repeated disrespect shown by MMI for these provisions and for Apple's concerns about adherence to these provisions requires remedial action.

III.   Requested Relief For MMI's Violations Of The Protective Order
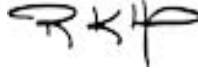
Apple respectfully requests the following relief for MMI's violations of the Protective Order:

- The Court order MMI to return all source code that it printed (and copies thereof) but that is not specifically cited in its experts' reports.

- Dr. Williams be precluded from relying on or testifying about any information he obtained from Mr. Finch, including any information about Apple's source code or the operation of the accused products.

- MMI be ordered to pay a monetary sanction and Apple's legal fees in bringing this motion.

- Any other relief that the Court finds is justified.

The Honorable Mary Pat Thynge
July 25, 2012, Page 4

Morris James LLP

Respectfully,

Richard K. Herrmann (I.D. #405)
rherrmann@morrisjames.com

RKH/tah

cc: All counsel of record

EXHIBIT 1

July 25, 2012 Apple's Letter to Judge Robinson
Regarding MMI's Violation of the Protective Order

MobileMedia Ideas LLC v. Apple Inc.,
Case No. 10-258-SLR

From:	De Leeuw, Marc
To:	Simmons, Luann; Federbush, Alan
Cc:	Jaang, Jane J.; Coles, Anthony; Rubenstein, Kenneth
Subject:	RE: Source code printouts
Date:	Thursday, December 01, 2011 12:00:40 PM

Luann:

I have communicated about this with Alan, who has spoken to MMI's experts. Our experts have informed us that they requested printing of the source code because it was "reasonably necessary to prepare" an "expert report" as set forth in Section 11(c)(iv) of the Protective Order. Furthermore, as required by that section, the print-outs were not "more than 10% of a specific software release," "no print-out . . . exceed[ed] 50 continuous pages" and, given the extensive time the experts have spent at your offices clearly were not printed "to review blocks of Source Code elsewhere in the first instance, i.e., as an alternative to reviewing that Source Code electronically on the Source Code Computer." Accordingly, we believe that the source code print-outs obtained by MMI's experts complied in all respects with the Protective Order. To discuss this in more detail (e.g., file-by-file or in some other fashion) would be an extraordinarily time-consuming activity that, particularly given the substantial delays that we have already endured, our experts cannot spare and that we do not believe is reasonable in these circumstances. Let us know if there is something further you would like to discuss.

Best regards.

M.D.

From: Simmons, Luann [mailto:LSimmons@OMM.com]
Sent: Wednesday, November 30, 2011 6:21 PM
To: Federbush, Alan
Cc: De Leeuw, Marc; Jaang, Jane J.; Coles, Anthony; Rubenstein, Kenneth
Subject: Re: Source code printouts

Alan,

We have not heard back from you yet regarding scheduling a meet and confer to discuss Apple's objection to the amount of source code printed by MMI. Please let us know your availability for a call on Thursday or Friday.

Thanks,
Luann

On Nov 23, 2011, at 3:40 PM, Simmons, Luann wrote:

Alan,

We are preparing additional paper and will let the consultants print and take the code they are requesting. We do, however, object to the printing as excessive. The consultants have already

printed 160 pages and have indicated that they intend to print an additional 200 pages today - 360 pages of printed source code is not proper under 11(c)(iv). As stated in that section of the Protective Order, "The Receiving Party may print limited portions of the Source Code only when reasonably necessary to prepare court filings or pleadings or other papers (including a testifying expert's expert report or for use as deposition exhibits)."

We request a meet and confer next week to address Apple's objection.

Thanks,
Luann

From: Federbush, Alan [mailto:AFederbush@proskauer.com]
Sent: Wednesday, November 23, 2011 2:45 PM
To: Simmons, Luann
Cc: De Leeuw, Marc; Jaang, Jane J.; Coles, Anthony C.; Rubenstein, Kenneth
Subject: Source code printouts

Luann,

My consultants have advised me that your assistant has refused to provide them a sufficient quantity of paper for their printing needs today, and further, that he will not allow them to take what they printed. This is in violation of the Protective Order.

Paragraph 11(c)(iv) states:
    "The Producing Party shall make available a laser printer ... for on-site printing during inspection of the Source Code...At the time the Receiving party prints any portion of Source Code, the Receiving Party shall provide to the Producing Party a copy of the printed pages. The Receiving party may maintain one copy of the printed pages pending receipt of numbered pages from the Producing Party ..."

The fact that your pages are pre-numbered does not prohibit them from retaining a copy.

Every day until now, the procedure has been that MMI's consultants presented what they printed to your assistant who made a copy for Apple and returned the originals to them.

If Apple has any objection to what MMI has printed, the Protective Order provides that Apple has four days to make any objections, but it does not permit Apple to prohibit MMI from printing and retaining what it chooses to print in the first instance. Please instruct your assistant to follow the set procedure and return the printouts to MMI's consultants.

Thank you.

Regards,
Alan

be used, and cannot be used, for the purpose of (i)
avoiding penalties under the Internal Revenue Code or (ii)
promoting, marketing or recommending to another party any
transaction or matter addressed herein.

Luann L. Simmons
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Two Embarcadero Center, 28th Floor
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EXHIBIT 2

July 25, 2012 Apple's Letter to Judge Robinson
Regarding MMI's Violation of the Protective Order

MobileMedia Ideas LLC v. Apple Inc.,
Case No. 10-258-SLR

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
---X
MOBILEMEDIA IDEAS, LLC,

                    Plaintiff,

                              Civil Action No:
VS.   10-258-SLR-MPT

APPLE, INC.,
                    Defendant.
---X

VOLUME I
HIGHLY CONFIDENTIAL DEPOSITION OF
DR. TIM A. WILLIAMS
Monday, April 16, 2012
New York, New York

*** HIGHLY CONFIDENTIAL ***
*** OUTSIDE COUNSEL ONLY ***

Reported By:
LINDA J. GREENSTEIN
JOB NO. 326941

                                                             17

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 2   Q.   More than ten?

 3   A.   Probably.

 4   Q.   More than twenty?

 5   A.   Probably not twenty.

 6   Q.   Somewhere between ten and twenty

 7   would be fair?

 8   A.   Probably.

 9   Q.   Were all of these conversations

10   either face to face or over the telephone?

11   A.   Yes.

12   Q.   Did you exchange any e-mail

13   communications with Mr. Finch about this

14   case?

15   A.   Only in terms of setting up

16   meetings and that sort of thing. Nothing

17   of substance.

18   Q.   Did you rely on your

19   conversations with Mr. Finch in forming

20   your opinions in this case?

21   A.   No. I relied on my own

22   opinions.

23   Q.   What did you and Mr. Finch

24   discuss regarding Apple source code?

25   A.   Detailed discussions about the

18

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2   structure of the code. Detailed

3   discussions about the code. Detailed

4   discussions about what I was looking for in

5   the code to find or disprove infringement.

6   Q.   And why did you have these

7   discussions with Mr. Finch?

8   A.   Mr. Finch was a resource for me

9   to use in terms of analyzing code.

10   Q.   How did you use Mr. Finch as a

11   resource to analyze the code?

12   A.   I gave Mr. Finch particular

13   instructions and directions as to what I

14   was looking for in the code, and he spent

15   time looking at the code to determine areas

16   where infringement could be proven or

17   disproven.

18   Q.   Your expert report regarding

19   infringement does not mention your

20   conversations with Mr. Finch; is that

21   correct?

22   A.   I don't believe it does, no.

23   Q.   Why not?

24   A.   Didn't feel it was important.

25   Q.   Mr. Finch helped you to find the

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2   code that you believe is relevant to your

3   infringement analysis, though; is that

4   right?

5   A.   Yes.

6   Q.   The conversations you had with

7   Mr. Finch, were they over the telephone or

8   were they face to face?

9   A.   Both.

10   Q.   Were you asking Mr. Finch to

11   locate code for you and print it out?

12   A.   I was asking him to locate code

13   for me, and when we agreed that the code

14   that he had found was important to the

15   case, then he -- I believe he went through

16   a process to cause it to be printed out.

17   Q.   How did you decide what code was

18   important to the case?

19   A.   We discussed it.

20   Q.   Did Mr. Finch offer his opinions

21   about what code was important to the case?

22   A.   Not that I relied on.

23   Q.   So I'm trying to understand how

24   the conversations went.

25   Did he tell you what files he

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2   had found and then described what they did,

3   or -- what did you guys talk about with

4   respect to the code specifically?

5   MR. SCHILOWITZ: Object to the

6   form.

7   A.   Well, we talked about what the

8   code was doing, what code files he had

9   found, and how the flow of the code

10   executed various functions that were found.

11   Q.   When you say you were talking

12   about what the code was doing, did you know

13   what the code was doing or was he telling

14   you what it was doing?

15   MR. SCHILOWITZ: Object to the

16   form.

17   A.   I don't understand the question.

18   Q.   Had you already reviewed the

19   code yourself?

20   A.   I looked at the code and we

21   discussed what the code was doing.

22   Q.   How did you look at the code?

23   A.   Either on the screen or in --

24   through a printout.

25   Q.   When did you review source code,

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Dr. Tim A. Williams - Volume I   April 16, 2012
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2   Apple source code on the screen?

3   A.   At the -- the days that I went

4   to the office of O'Melveny in San

5   Francisco.

6   Q.   And what days were those?

7   A.   I don't recall.

8   Q.   Do you recall how many days you

9   reviewed source code at O'Melveny's offices

10   in San Francisco?

11   A.   Three or four days.

12   Q.   And all of the code that you and

13   Mr. Finch discussed was code that you had

14   reviewed while you were at O'Melveny's

15   offices in San Francisco?

16   MR. SCHILOWITZ: Object to the

17   form.

18   A.   We discussed the code at

19   O'Melveny's office. We also discussed the

20   code when I was here in New York and he was

21   in San Francisco, after the files had been

22   printed out, and the files -- the printed

23   files were here, in this office.

24   MS. SIMMONS: I'll go ahead and

25   mark as Williams Exhibit 1 the expert

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 2   report of Tim A. Williams on infringement

 3   issues.

 4   (Williams Exhibit 1 for

 5   identification, Multi-page document

 6   entitled, "Expert Report of Tim A. Williams

 7   on Infringement Issues.")

 8   MR. SCHILOWITZ: I'll just note

 9   for the record that there's a cover page on

10   it that looks like it was printed by

11   O'Melveny.

12   MS. SIMMONS: That is correct.

13   BY MS. SIMMONS:

14   Q.   Dr. Williams, do you recognize

15   the document we've marked as Exhibit 1?

16   A.   I do.

17   Q.   Is this your expert report on

18   infringement issues in this case?

19   A.   It is.

20   Q.   Did you prepare this report?

21   A.   Yes.

22   Q.   Does this report accurately and

23   completely reflect your opinions regarding

24   the infringement of the five patents that

25   are listed on the cover sheet?

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2   A.   6 to 8 --

3   Q.   I'm sorry, page 6 to 8 of

4   Exhibit 1 to your infringement report.

5   A.   Oh.

6   Q.   It's a little confusing because

7   we have Depo Exhibit 1 and Exhibit 1 to

8   your report.

9   A.   I see.

10   Yes, I believe that's correct.

11   Q.   So just to make the record

12   clear, pages 6 through 8 of Exhibit 1 to

13   your initial infringement expert report

14   lists the Apple source code that you relied

15   on in forming your infringement opinions;

16   is that correct?

17   A.   As far as I know, yes.

18   Q.   Do you have any reason to

19   believe that this list is not accurate?

20   A.   No.

21   Q.   You considered and relied on all

22   of the source code listed on pages 6

23   through 8 of Exhibit 1 to your report?

24   MR. SCHILOWITZ: Object to the

25   form.

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 2   Q.   Correct?

 3   A.   All this source code was

 4   available to me.

 5   Q.   What do you mean by "available"

 6   to you?

 7   A.   It was all part of information

 8   that I used to -- to create my report.

 9   Q.   Did you review all of the source

10   code listed on pages 6 through 8 on the

11   source code computers at O'Melveny's San

12   Francisco offices?

13   A.   I don't recall.

14   Q.   Did you review any source code

15   other than the source code listed on pages

16   6 through 8?

17   A.   As far as I know, this is a

18   comprehensive list.

19   Q.   Did you review any Apple source

20   code in printed format that you had not

21   first reviewed on the machines at

22   O'Melveny's offices in San Francisco?

23   A.   Yes.

24   Q.   How much Apple source code did

25   you review in printed format without having

Dr. Tim A. Williams - Volume I   April 16, 2012
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 2   first reviewed the code on the machines at

 3   O'Melveny's offices in San Francisco?

 4   MR. SCHILOWITZ: Object to the

 5   form.

 6   A.   In terms of lines of code or

 7   pages --

 8   Q.   Let's start with lines of code.

 9   A.   I don't recall.

10   Q.   Do you recall the number of

11   pages you reviewed first in printed form as

12   opposed to on the machines at O'Melveny's

13   offices in San Francisco?

14   A.   Roughly 50, 75 pages.

15   Q.   How did you get the printed form

16   of Apple source code that you reviewed?

17   A.   It was made available to me here

18   in this office in New York.

19   Q.   In Proskauer's New York offices?

20   A.   Yes.

21   Q.   Do you know how Proskauer's New

22   York offices ended up with the printed

23   source code?

24   A.   No.

25   Q.   Do you know who printed the

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2   source code that you reviewed?

3   A.   I believe it was Patrick.

4   Q.   Why do you believe it was

5   Patrick -- by "Patrick," I'm sorry, you

6   mean Mr. Finch; is that correct?

7   A.   Yes.

8   Q.   How do you know it was Mr. Finch

9   that printed the source code you reviewed?

10   A.   Because these were functions and

11   functionality that he and I discussed that

12   I was looking for.

13   And once he had printed them

14   out, he and I had discussions on the phone

15   about them.

16   Q.   You mentioned that you had

17   multiple conversations -- I think we said

18   between ten and twenty -- with Mr. Finch.

19   Can you give me an estimate of

20   how much time in terms of hours these

21   conversations took?

22   A.   I didn't record the times.

23   Q.   Do you prepare invoices for your

24   work on behalf of MMI?

25   A.   Yes.

Dr. Tim A. Williams - Volume I   April 16, 2012
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2   Q.   Would your invoices reflect how

3   much time you spent in conversation with

4   Mr. Finch?

5   A.   No.

6   Q.   If you had to give me an

7   estimate of how much time you talked with

8   Mr. Finch, would it be more than

9   twenty hours?

10   A.   In total?

11   Q.   In total, correct.

12   A.   Probably.

13   Q.   Would you say more than

14   thirty hours?

15   A.   Probably.

16   Q.   More than fifty hours?

17   A.   I don't know exactly how many.

18   Probably more than thirty.

19   Q.   Okay.

20   Did you ever review any source

21   code other than either in printed format at

22   Proskauer's New York offices or on the

23   source code machines in San Francisco at

24   O'Melveny?

25   MR. SCHILOWITZ: Object to the

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 1    WILLIAMS-HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL ONLY
 2       operating systems?
 3            Q.    Great question.
 4                  Let's start with which versions
 5       of IOS did you ask Mr. Finch to look for?
 6            A.    Whatever versions he had
 7       available to him.
 8            Q.    Did you narrow it down or give
 9       him a specific version number you wanted
10       him to look in?
11            A.    No.  The latest versions that he
12       had.
13            Q.    Do you recall what version that
14       was?
15            A.    I believe he had -- the latest
16       one he had was 43 of IOS -- 42 or 43.
17            Q.    Did you ask him to look at
18       source code from any earlier versions of
19       IOS or just IOS version 4.3?
20            A.    No.  I asked him to look at the
21       entire production.
22            Q.    Your question, that was a great
23       question about what operating systems.
24                  What operating systems other
25       than IOS did you ask him to review?
```

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Dr. Tim A. Williams - Volume I   April 16, 2012
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1   WILLIAMS-HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL ONLY

2   MR. SCHILOWITZ: Object to the

3   form.

4   A.   The operating system that's used

5   on the iPods, as well as the IOS, which is

6   used on the iPads and the iPhone.

7   Q.   Did you ask him to focus on any

8   specific version of the iPod operating

9   system?

10   A.   No. I asked him to use the

11   entire production that was available to

12   him.

13   Q.   Why didn't you review all of the

14   source code on the machines yourself?

15   A.   It was more efficient for

16   Mr. Finch to look in general and find

17   pieces of code that he thought might

18   represent what I was looking for than for

19   me to review that and approve or

20   disapprove.

21   Q.   Is Mr. Finch being paid by you

22   for his work or is he paid directly by MMI?

23   A.   No. He's my consultant.

24   Q.   You mentioned that your company

25   hires him on other matters also; is that

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2   right?

3   A.   Yes.

4   Q.   Did you recommend that MMI hire

5   him to assist you in forming your opinions

6   in this case?

7   A.   Yes.

8   Q.   Do you know a Mr. John Jarosz,

9   J-A-R-O-S-Z?

10   A.   No.

11   Q.   You haven't spoken with

12   Mr. Jarosz in connection with your work on

13   this case?

14   A.   No.

15   Q.   Do you know Dr. John Strawn,

16   S-T-R-A-W-N?

17   A.   No.

18   Q.   You haven't spoken with a

19   Dr. Strawn in connection with your work on

20   this case?

21   A.   No.

22   Q.   Do you know Mr. Philip Johnson?

23   A.   No.

24   Q.   Have you spoken with Mr. Johnson

25   regarding your work on this case?

Dr. Tim A. Williams - Volume I   April 16, 2012
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1   DEPOSITION ERRATA SHEET

2

3

4   Our Assignment No.:   326941

5   Case Caption: Mobilemedia Ideas v. Apple

6

7   DECLARATION UNDER PENALTY OF PERJURY

8

9   I declare under penalty of

10   perjury that I have read the entire

11   transcript of my Deposition taken in the

12   captioned matter or the same has been read

13   to me, and the same is true and accurate,

14   save and except for changes and/or

15   corrections, if any, as indicated by me on

16   the DEPOSITION ERRATA SHEET hereof, with

17   the understanding that I offer these

18   changes as if still under oath.

19   _____

20   DR. TIM A. WILLIAMS

21   Subscribed and sworn to on the _____ day of

22   _____, 20 _____ before me.

23   _____

     Notary Public,
24   in and for the State of

     _____.

25

EXHIBIT 3

July 25, 2012 Apple's Letter to Judge Robinson
Regarding MMI's Violation of the Protective Order

MobileMedia Ideas LLC v. Apple Inc.,
Case No. 10-258-SLR

	MoblieMedia Ideas, LLC v Apple Inc.				
	Case No. District of Delaware 10-258-SLR				
	Source Code Review Log				
Date	Reviewer Name	Time In	Time Out	Beginning Bates	Ending Bates
10/31/11	Alan Federbush	9:00	6:00 PM		
10/31/11	Patrick Finch	9:00	6:00 PM		
11/1/11	Alan Federbush	9:00	5:45		
11/1/11	Patrick Finch	9:00	6:45		
11/1/11	Gareth Loy	10:00	6:45		
11/2/11	Patrick Finch	9:00	7:00		
11/2/11	Alan Federbush	9:00	7:00		
11	Gareth Loy	10 am	7:00		
11/3/11	Patrick Finch	9:00	7:00	1	1
11/3/11	Alan Federbush	9:00	7:00		
11/3/11	J Williams	12:00	6:00		
11/3/11	Gareth Loy	1:30	7:00		
11/4/11	Patrick Finch	9:00	5:00		
11/4/11	Alan Federbush	9:40	4:30		
11/ /11	Patrick Finch	9:00	6:00		
11/9/11	Alan Federbush	9:00	1900		
9/8/11	J MELDAL	9:00	1900		
11/10/11	Patrick Finch	841	1900		
11/10					
11/11/11	Sigurd MELDAL	8:55	16:45		
11/11/11	Alan Federbush	9:15	16:45		
11/11/11	Patrick Finch	9:00	16:45		
11/14/	S. MELDAL	1900	1900		
11/14/2011	G. Loy	1:30	1900 out → (1:45)		
11/14/2011	Pat Finch	9:00	1900	175	213
11/15/2011	Gareth Loy	noon	6:40		
11/16/2011	Gareth Loy	noon	6:45		
11/17/2011	Gareth Loy	noon	6:45		
11/19/2011	Pat Finch	9:00	6:00		
11/19/11	S. MELDAL	9:00	6:00	214	331
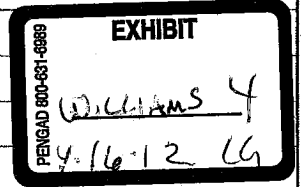
MoblieMedia Ideas, LLC v Apple Inc.					
Case No. District of Delaware 10-258-SLR					
Source Code Review Log					
Date	Reviewer Name	Time In	Time Out	Beginning Bates	Ending Bates
11/20/11	S. Meldal	9:15	6:00	332	536
11/20/11	Pat Finch	9:00	6:00		
11/21/11	S. Meldal	9:05	12:15		
11/21/11	Pat Finch	9:00	1900		
11/22/11	Pat Finch	9:30	1900		
11/22/11	S. Meldal	9:30	16:00		
11/23/11	Pat Finch	10:00	16:00		
11/23/11	S Meldal	10:00	16:00		
11/28/11	Pat Finch	10:00	1900	1206	1224
	Gareth Loy	noon	7p		
11/29/11	Gareth Loy	11a	7p		
11/30/11	"	"	"		
12/1/11	"	"	"		
12/2/11	Pat Finch	9:20	1645	1230	1278
12/7/2011	Gareth Loy	10 am	2:40		
12/3/2011	Pat Finch	1130	1330		
12/5/2011	Gareth Loy	1115	6:57		
12/6/2011	Gareth Loy	1115	8:20		
12/7/11	S. Meldal	13:30	19:20		
"	G. Loy	11:30	6:10		
12/8/11	S. Meldal	9:30	1900		
12/8/11	P Finch	10:00	1900		
"	G. Loy	1:30p	1900		
12/9/11	P Finch	1130	1900	1813	2083
12/9/11	S. Meldal	9:30	19:30		
12/10/11	S. Meldal	9:30			
12/10/11	P Finch	9:30	1900	2054	2186
"	G. Loy	11:30	2:30		
12/11/11	Pat Finch	9:00	1905	2315	2351
12/11/11	S. Meldal	9:30	1900		2367
12/12/11	S. Meldal	9:30	1900		
12/12/11	Pat Finch	9:30	1900	2388	2401
12/12/11	G. Loy	11:30	7p		

MobileMedia Ideas, LLC v Apple Inc.
Case No. District of Delaware 10-258-SLR
Source Code Review Log

Date	Reviewer Name	Time In	Time Out	Beginning Bates	Ending Bates
12/13/11	G. Loy	11:30	7p		
12/14/11	G. Loy	1:30			
12/15/11	Pat Finel	9oc	7cc		
12/15/11	G. Loy	1:30	7p		
12/15/11	S. Meldal	9:30	19oo	2554	2659
12/16/11	Pat Finel	930			
"	G. Loy	10:30	12n.		
"	S. Meldal	15:30		2661	2697
12/17/11	S. Meldal	10:00	17:00	2698	2699
"	G. Loy	"	7p		
12/19/11	P Finel	930	1900	2700	2741
"	G. Loy	11:00	7p		
12/20/11	P Finel	1030	1900	2743	2862
"	G. Loy	11:a	1900		
12/21/2011	G. L	11a	7p		
12/26/11	S. Meldal	3:40 pm	6:50 pm	—	—
12/22/11	S. Meldal	9:30	18 41	3169	3405
12/27/11	S. Meldal	13 41	19 05	3406	3601
12/27/11	G. Loy	4p	7p	3602	3700
12/28/11	S. Meldal	9oo	18oo	3786	3899
12/28/11	G. Loy	11a	7p	3701	3785
12/29/11	S. Meldal	9oo	1900	3900	4003
12/25/11	G. Loy	3:05p	7p	3900	3908
12/30/11	S. Meldal	9oo	1845	4004	4110
12/30/11	G. Loy	10a	12:30		
1/3/12	S. Meldal	9:40	7p	4473	4608
1/3/12	G. Loy	11a	7p		
1/4/12	G. Loy	11a	7p		
1/5/12	P Finel	10oo	18oo		
1/5/12	S. Meldal	9oo	1830	4682-	4960
1/6/12	G. Loy	2p	7p		
1/6/12	P Finel	9oo		4970	5274
1/6/12	S. Meldal	9oo	1845	5323	5732] scrap
"	G. Loy	12	5p		

60 58
~~6636~~

1/7/12   SMECDA   9¹⁵   17⁴⁵   5533   ~~5836~~

1/7/12   PFinch   10⁴⁵

1/6/17   PFinch   9³⁰   6116   6349

1/6/12   G.L~   11a   6358-64c9 6422 6411
                                                    6424 6416

1/9/12   PFinch   9³⁰   19⁰⁰

Sign In Sheet

Date	Individual	TimeIn	TimeOut	Bates#
1/10/12	G.Ly	11a	7p	
1/11/12	PFinch	9³⁰	7p	6569-6592 6696-6772
1/11/12	G.Ly	1:30p		6720-95 Scrap
1/12/12	S.Meld	11:30 - 19⁰⁰		-7075
1/12/12	PFinch	11:30		6799-6864
1/12/12	G.Ly	noonish-1pm		

EXHIBIT 4

July 25, 2012 Apple's Letter to Judge Robinson
Regarding MMI's Violation of the Protective Order

MobileMedia Ideas LLC v. Apple Inc.,
Case No. 10-258-SLR

1

UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

No. 10-258-SLR

- -

MOBILEMEDIA IDEAS LLC,

Plaintiffs

vs.

APPLE INCORPORATED,

Defendants

- -

VIDEOTAPED DEPOSITION OF SIGURD MELDAL

Monday, April 23, 2011 9:34 a.m.

Proskauer Rose LLP

One International Place, Boston, MA 02110

Reporter: Janet M. McHugh, RMR, CRR, CLR

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Sigurd Meldal   April 23, 2012
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1   Finch's observations, but rather, my own. If you

2   feel that it is proper to list him as something being

3   reviewed, I -- I think I'll leave that up to -- to

4   the two of you, because, after all, I told you what I

5   did and what he did. And whether that is properly

6   listed here or not, I don't mind either way.

7   Q.   Did Mr. Finch print out any Apple source

8   code for you to review?

9   A.   Yes, he did. Well, let me -- he -- the

10   review, itself, was mostly on the computer. So if I

11   told him to look for something, he said he had found

12   it, then he would tell me where he found it. Then I

13   would look it up on the computer and evaluate it,

14   whether it was relevant or not, what relevance it

15   might have, and so on. If it were relevant and

16   needed to be printed out, we tried to keep it from --

17   to one computer, to keep things straight. After all,

18   we had to report to you what we had printed out, the

19   Bates numbers and so on. And things could get

20   awfully confusing if we did that on all three

21   computers in the coding room. So most of it was

22   printed out from Mr. Finch's computer and by

23   Mr. Finch, and -- at my direction, of course.

24   Q.   Did Mr. Finch print any source code for you

25   to review that you had not already reviewed on the

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Sigurd Meldal   April 23, 2012

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1   source code machines?

2   A.   I don't think so. I mean, again, we're

3   talking about a review that went across, as you know,

4   weeks. So the routine was that I would look at what

5   was necessary, relevant, what have you, and then ask

6   him to print it out, if it were -- if it should be

7   printed out. He may have preemptively thought that

8   something was so obviously relevant he printed it

9   out, or he may have understood my directions to be

10   such that -- that if I said find A, he found A and

11   printed it out. All of those are possibles. I

12   certainly did look at the printouts. After all,

13   that's why we print them out, besides giving them

14   back to you. But the principal review mechanism for

15   me was at the computer.

16   Q.   Do you currently have, in your possession,

17   any hard copies of Apple's source code?

18   A.   The routine was that when we printed it

19   out, we would report to your associates what was

20   printed out, and what Bates number were printed.

21   Then I would bring it home. It was usually late at

22   night. And then I would FedEx it to -- to New York.

23   As -- for safekeeping, I was instructed to -- to keep

24   a copy in case something went wrong with the FedEx.

25   So I have copies of some, I don't think all, of the

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1   paper printouts in my possession in a safekeeping.

2   Q.   So you made photocopies of the printouts of

3   Apple's source code?

4   A.   Yes.

5   Q.   And you have those in your possession right

6   now?

7   A.   Well, I am here.

8   Q.   They're in your possession, other than in

9   this room? But they are currently in your

10   possession?

11   A.   They are at my home office in Menlo Park.

12   Q.   And you said that they are maintained

13   safely. How are they maintained?

14   A.   They are in a box in a locked room.

15   Q.   Do you have any electronic copies of

16   Apple's source code?

17   A.   I do not.

18   Q.   Have you ever received any electronic

19   copies of Apple's source code?

20   A.   I have not.

21   Q.   Dr. Meldal, can we go back to Exhibit 1A to

22   your deposition today, which is your initial

23   infringement report?

24   A.   I believe there's still a pending question.

25   Q.   From me?

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1   A.   Yup.

2   Q.   I don't believe so.

3   A.   The question of what in my background

4   enables me to have an opinion about --

5   Q.   Oh, I -- I appreciated your answer and then

6   wanted to focus on some specific questions.

7   A.   All right.

8   Q.   Thank you. Could you please turn in your

9   initial infringement report, which we've marked as

10   Meldal Exhibit 1A, to Paragraph 30, 3-0.

11   (Witness complies.)

12   Q.   Are you there?

13   A.   In a moment.

14   Q.   Sure.

15   A.   The rings have been slightly mangled by the

16   transport. Okay. I'm there.

17   Q.   In Paragraph 3 --

18   A.   Thirty?

19   Q.   I'm sorry. Yes. Thirty. You list several

20   Apple products. These are the products that you

21   understand are accused of infringing one or more of

22   the six patents that you addressed in your report.

23   Is that right?

24   MR. SCHILOWITZ: Object to the form.

25   A.   So in Paragraph 30, I list the Apple iPhone

Sigurd Meldal   April 23, 2012
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                                                                242

 1   C E R T I F I C A T E

 2   COMMONWEALTH OF MASSACHUSETTS

 3   SUFFOLK, SS.

 4   I, Janet M. McHugh, a Registered Merit

 5   Reporter and a Notary Public within and for the

 6   Commonwealth of Massachusetts do hereby certify:

 7   THAT SIGURD MELDAL, the witness whose

 8   testimony is hereinbefore set forth, was duly sworn

 9   by me and that such testimony is a true and accurate

10   record of my stenotype notes taken in the foregoing

11   matter, to the best of my knowledge, skill and

12   ability.

13   I further certify that I am not related to any

14   parties to this action by blood or marriage; and

15   that I am in no way interested in the outcome of

16   this matter.

17   IN WITNESS WHEREOF, I have hereunto set my

18   hand this 29th day of April, 2012.

19

20   _____

                                JANET M. MCHUGH

21   Notary Public

22

23   My Commission Expires:

24   July 11, 2014

25